

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
ABN AMRO MORTGAGE GROUP, INC.,

Plaintiff,

Case No. 07-CIV-7657

- against -

AFFIRMATION OF COUNSEL  
IN OPPOSITION TO PLAINTIFF'S  
MOTION FOR CONTEMPT

NATIONAL SETTLEMENT AGENCY, INC.,  
STEVEN M. LEFF, RACHEL M. LEFF and  
RICHARD A. LEFF,

Defendants.

-----X

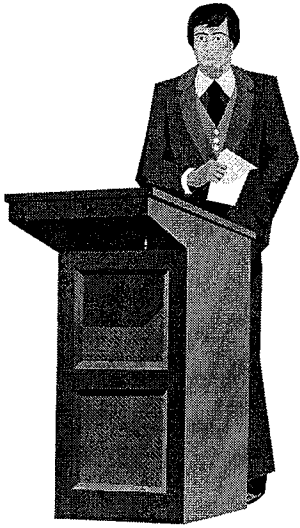
Michael L. Soshnick declares under penalty of perjury pursuant to 28 U.S.C. Section  
1746 as follows:

1. I am the attorney for Steven M. Leff who is one of the defendants in the above-captioned case.
2. I am submitting this affirmation in opposition to plaintiff's motion for an order to hold Steven M. Leff in civil contempt and for his immediate arrest.
3. On September 10, 2007, this court entered an order of attachment against National Settlement Agency (NSA) and Steven M. Leff as set forth in Paragraph 4 of the Declaration of Thomas Kavalier in support of plaintiff's instant motion seeking a contempt order against Steven M. Leff.
4. Although the attachment order was served upon your affirmant's law office by Federal Express, your affirmant did not discuss the attachment order with Steven M. Leff until September 21, 2007.
5. In truth and in fact, Steven M. Leff was unaware of the requirement that a

financial affidavit needed to be submitted to counsel for the plaintiff by September 19, 2007 until September 21, 2007.

6. Your affirmant who is a sole practitioner was actively engaged in a criminal jury trial in this district from September 17, 2007 through September 19, 2007 before the Honorable Richard Berman in the case of United States of America v. Jeffrey Musumeci, 07 cr. 402 (RMB).
7. Upon reviewing the work that accumulated during the trial, I realized for the first time on September 21, 2007 that my client, Steven M. Leff's affidavit was due on September 19, 2007.
8. Accordingly, I faxed my client's financial affidavit in connection with the Indymac litigation, 07 cv 6865 (LTS), and in a fax cover sheet indicated that if an additional affidavit was required that your affirmant would direct his client to furnish one to counsel for the plaintiff.
9. A few minutes later, your affirmant's office received a fax indicating that the affidavit was due two (2) days ago and that counsel for the plaintiff had already moved by order to show cause to have Steven M. Leff held in contempt and arrested.
10. Shortly thereafter, on the cusp of the religious observance and high holiday of Yom Kippur, your affirmant faxed an apology for his lateness in submitting the required affidavit.
11. In the fax, your affirmant stated: "I want to assure you that the lateness was entirely my fault and, in fairness, should not be attributed to my client. I truly apologize for any inconvenience that I may have caused you. Please feel free to

**Exhibit A**



MICHAEL L. SOSHNIK  
Attorney at Law

190 Willis Avenue  
Mineola, New York 11501  
(516) 294-1111  
(516) 294-5465 Fax

FACSIMILE TRANSMISSION

DATE: September 27, 2007

FROM: Thomas J. Kavalier, Esq.  
TO: Cahill Gordon & Reindel LLP

FAX NO. 212-269-5420  
TEL. NO. 212-701-3000

FROM: Michael L. Soshnick, Esq.

SPECIAL INSTRUCTIONS:

RE: ABN AMRO v. National Settlement Agency, Inc., et al.  
Case No. 07-CIV-7657

In furtherance of the telephone message that you left with my office earlier today, I am faxing a Supplemental Affidavit of my client Steven M. Leff. Kindly call me on my cell phone at 516-633-3121 in regard to my request that you withdraw your previous order to show cause for contempt.

Thank you.

TOTAL PAGES INCLUDING COVER PAGE: 8

CONFIDENTIAL COMMUNICATION

THIS TRANSMISSION IS INTENDED ONLY FOR THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED, AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IF THE READER OF THIS COMMUNICATION IS NOT THE INTENDED RECIPIENT, OR ITS EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING THE COMMUNICATION TO THE INTENDED RECIPIENT, YOU ARE NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY THE SENDER IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL COMMUNICATION TO US AT THE ABOVE ADDRESS BY THE U.S. POSTAL SERVICE. THANK YOU.

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**SUPPLEMENTAL AFFIDAVIT OF STEVEN LEFF**

Steven M. Leff, being duly sworn, deposes and says:

1. I am a defendant in the above-captioned proceeding.
2. I state that to the best of my knowledge and recollection I currently own or maintain the following bank accounts, investment accounts, investments, commercial paper, real property, motor vehicle, watercraft or other personal property with a value in excess of \$10,000:
  - (a) an account at JP Morgan Chase, Number 091361821256, with a current balance of - \$2,300,000.00;
  - (b) an account at Bridgehampton National Bank, with a balance of approximately \$350;
  - (c) a 2007 Chevrolet Suburban with a lien of approximately \$29,000 with Chase Bank; and
  - (d) a 2007 Suzuki Boulevard (motorcycle) with a lien of approximately \$11,000 with Suzuki Auto Finance.

3. I state that to the best of my knowledge and recollection, the only current assets of the National Settlement Agency (NSA) with a value in excess of \$10,000 are two

(2) commercial lease security deposits which are set forth as follows:

(a) Security Deposit in the approximate amount of \$26,000 held by Vitech Inc. (Landlord for 404 Park Avenue, 5th Floor Space); and

(b) Security Deposit in the approximate amount of \$100,000 held by Sitt Asset Management, One Penn Plaza (Landlord for 180 Madison Avenue, 12th Floor Space).

4. I further state that the only person with personal knowledge of my assets and finances is Marty Murray, CPA, 425 Madison Avenue, Ninth Floor, New York, New York 10017, (212) 644-2100.

5. As to the request by counsel for plaintiff for a sworn affidavit listing every bank account, brokerage account, or other investment account, held by your affiant or NSA (i.e., all accounts in the name of your affiant or NSA, held in trust by or for your affiant or NSA, and any accounts in which your affiant or NSA has had an interest) in the last two (2) years, the following is a list of the requested accounts as to Steven M. Leff or held in trust by or for Steven M. Leff:

Doral Bank - NY, NY  
Commerce Bank - NY, NY  
Chase Bank - NY, NY  
E-Trade - Stock Trading Account  
UBS Investment Account  
Progressive Federal Credit Union - NY, NY  
Bridgehampton National Bank - Bridgehampton, NY

6. The following is a list of the requested accounts for which NSA has had an interest in the last two (2) years:

Commerce Bank - NY, NY  
Chase Bank - NY, NY

7. As to the request by counsel for plaintiff for a sworn affidavit listing every stock or other business or investment interest, brokerage account, or other investment account, held by your affiant or NSA (i.e., all interests held directly or indirectly, personally or in trust) in the last two (2) years, other than those interests held via the accounts listed in accordance with the previous two paragraphs numbered and designated 5 and 6 of this affidavit, the following is a list of the requested stock or other business or investment interest held by Steven M. Leff:

National Settlement Agency  
Fast Track Title Agency  
Global Alumina Stock  
Jand Technologies  
RSSR Trust  
Guardian Bureau

8. The following is a list of the requested stock or other business or investment interest for which NSA has had an interest in the last two (2) years:

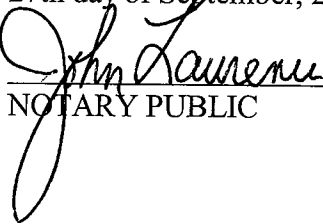
None

9. As to the request by counsel for plaintiff for your affiant to provide registration and location information for his car and motorcycle described in the "Prior Leff Affidavit", the following is provided:

Copies of the registration certificates for the subject vehicles are attached hereto and made a part hereof as Exhibit A. The Chevrolet Suburban is usually parked in the vicinity of 82<sup>nd</sup> Street and First Avenue in Manhattan, New York. The Suzuki Motorcycle is usually parked at 15 Anvil Court East Hampton, New York.

Steven M. Leff

Sworn to before me this  
27th day of September, 2007

  
NOTARY PUBLIC

**JOHN LAWRENCE**  
Notary Public, State of New York  
No. 30-4611535  
Qualified in Nassau County  
Commission Expires June 22, 2010



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Defendants.

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SUPPLEMENTAL AFFIDAVIT OF STEVEN LEFF

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**MICHAEL L. SOSHNICK, ESQ.**  
Attorney for Defendant

Office and Post Office Address, Telephone

190 WILLIS AVENUE  
SUITE 112  
MINEOLA, NEW YORK 11501  
(516) 294-1111

EX "A"

**Keep this document to show to the police and courts.**

MV-639TR (6/05)

## NEW YORK STATE REGISTRATION DOCUMENT



MOT  
91FZ54  
2007 SUZUK NONTRANSFERABLE  
MCY WH JS1VY53A972102809  
000703 G 2 EN068738 JUN 16 2007  
Wt/Seats Fuel/Cyl SMD ACOCB9 83731885  
Expires 04/30/08

LEFF, STEVEN, M  
15 ANVIL CT  
E HAMPTON

NY 11937

14.00

EN068738

VOID IF ALTERED EXCEPT FOR ADDRESS

ANNUAL CHG  
AMT PAID (INCL ADD CHG)

76.50

**Keep this document to show to the police and courts.**

MV-639TR (6/05)

## NEW YORK STATE REGISTRATION DOCUMENT



PAS  
DWS8081  
2007 CHEVR NONTRANSFERABLE  
SUBN BK 3GNFK16377G241868  
005792 G 8 EL129154 JAN 02 2007  
Wt/Seats Fuel/Cyl KRS HRKBB8  
Expires 01/01/09

LEFF, STEVEN, M

\*NYMA\*

404 PARK AVE S 5TH F  
NEW YORK

NY 10016

45.00

ANNUAL CHG  
AMT PAID (INCL ADD CHG)

EL129154

VOID IF ALTERED EXCEPT FOR ADDRESS

190.00